



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**Work Session:**  
**Mobile Home Park Closure and**  
**Change of Use Regulations**

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City Attorney's Office*





## Introduction

The purpose of this work session report is to:

- Summarize legal requirements for closure and/or change of use (“change of use”) of a mobile home park, and
- Discuss updates to the City’s regulations on mobile home change of use.

Staff is seeking Council input on the work session report.





## Introduction

The work session report will be presented in four parts:

- I. Summary of State Law.
- II. Summary of Hayward Regulations.
- III. Comparison of Mitigation Measures.
- IV. Zoning Concerns.





## I. Summary of State Law

### Gov. Code. Sec. 65863.7 :

- The person or entity proposing a mobile home park change of use must file a report on the impact of the proposed action on the park residents.
- The report must address relocation costs and the availability of adequate replacement housing in other parks.





## I. Summary of State Law

### Gov. Code. Sec. 65863.7 :

- The City Council may require the person or entity to take steps to mitigate any adverse impacts on the residents, not to exceed the reasonable costs of relocation.
- However, State law leaves it to local agencies to define the specific mitigation measures, or relocation costs, a person or entity must address in the impact report.





# II. Summary of Hayward's Regulations

### Hayward Municipal Code (HMC) Section 10-3.1025:

- The City's regulations provide that each resident will receive the reasonable cost of relocation as follows:
- **Relocation of Mobile Home:** The impact report must specify cost estimates for typical moving expenses, and any other increased cost that may have a long term economic impact on the mobile home resident.





### II. Summary of Hayward's Regulations

- **Personal Property:** The impact report must specify cost estimates for typical moving expenses such as the average cost to move the mobile home resident's personal property.





### II. Summary of Hayward's Regulations

- **Special Needs:** The report must also address any special economic impacts experienced by residents with children, residents who are sixty two years of age or older, and residents who are medically proven to be permanently disabled.







### II. Summary of Hayward's Regulations

- **Fair Market or In-Place Value:** For mobile homes that cannot be moved without incurring significant damage, the impact report must include an estimate of the in-place fair market value of the mobile home.





### II. Summary of Hayward's Regulations

- **City Council Review:** An impact report for a change of use is reviewed by the City Council. The existing regulations do not require initial review by the Planning Commission.





### Community Concerns

#### Mobile home park resident stakeholders:

- Hayward's mitigation measures fall short of addressing a change of use's adverse economic impact on residents.
- Local mitigation measures should include a rent subsidy to displaced residents.
- Hayward's regulations should precisely identify the categories of relocation costs available to displaced residents.





### Community Concerns

#### Mobile home park owner stakeholders:

- The mitigation measures available to residents must not exceed the reasonable cost of relocation.
- A rent subsidy would exceed the reasonable cost of relocation.
- The regulations should include protections for park owners, including a prohibition on relocation benefits to residents who default on their rent or residents who purchase into a park for the sole purpose of obtaining relocation benefits.





# III. Comparison of Mitigation Measures

	HAYWARD (Existing)	PALO ALTO	SUNNY- VALE	SAN JOSE	FREMONT	SONOMA	CAPITOLA	SNT. CRUZ COUNTY
REASONABLE COST OF RELOCATION								
Limits								
Personal Property								
Furniture								
In-Transit Lodging								
In-Transit Meals								
In-Transit Gas								





### III. Comparison of Mitigation Measures

	HAYWARD (Existing)	PALO ALTO	SUNNY- VALE	SAN JOSE	FREMONT	SONOMA	CAPITOLA	SNT. CRUZ COUNTY
<b>REASONABLE COST OF RELOCATION</b>								
<b>Limits</b>	-	-	Within 35 miles	Within Neighbor Counties	Only MH Owners	Reason- able Distance	-	-
<b>Personal Property</b>	✓	✓	✓	✓	-	✓	-	-
<b>Furniture</b>	-	-	✓	✓	-	-	-	-
<b>In-Transit Lodging</b>	-	✓	✓	-	-	✓	-	-
<b>In-Transit Meals</b>	-	-	-	-	-	✓	-	-
<b>In-Transit Gas</b>	-	-	-	-	-	✓	-	-





### III. Comparison of Mitigation Measures

	HAYWARD (Existing)	PALO ALTO	SUNNY- VALE	SAN JOSE	FREMONT	SONOMA	CAPITOLA	SNT. CRUZ COUNTY
REASONABLE COST OF RELOCATION								
Disassembly								
Reinstallation								
Transportation								
Insurance During Transportation								





### III. Comparison of Mitigation Measures

	HAYWARD (Existing)	PALO ALTO	SUNNY- VALE	SAN JOSE	FREMONT	SONOMA	CAPITOLA	SNT. CRUZ COUNTY
<b>REASONABLE COST OF RELOCATION</b>								
<b>Disassembly</b>	-	-	✓	✓	-	✓	✓	-
<b>Reinstallation</b>	-	-	✓	✓	-	✓	✓	-
<b>Transportation</b>	-	-	✓	-	-	✓	✓	-
<b>Insurance During Transportation</b>	-	-	✓	-	-	-	-	-







### III. Comparison of Mitigation Measures

	HAYWARD (Existing)	PALO ALTO	SUNNY- VALE	SAN JOSE	FREMONT	SONOMA	CAPITOLA	SNT. CRUZ COUNTY
REASONABLE COST OF RELOCATION								
First/Last Month Rent and Security Deposit								
Rent Subsidy (S = Senior) (D = Disabled) (LI = Low Income)								
Moving Assistance Special Needs								
Moving Special Needs Equipment								





### III. Comparison of Mitigation Measures

	HAYWARD (Existing)	PALO ALTO	SUNNY- VALE	SAN JOSE	FREMONT	SONOMA	CAPITOLA	SNT. CRUZ COUNTY
REASONABLE COST OF RELOCATION								
First/Last Month Rent and Security Deposit	-	✓	✓	-	-	✓	✓ Security Deposit Only)	-
Rent Subsidy (S = Senior) (D = Disabled) (LI = Low Income)	-	✓  One year for LI residents	✓  Two years for S, D, and LI residents	✓  Two years	-	✓  One year	✓  One year	-
Moving Assistance Special Needs	✓	✓	-	-	-	-	-	-
Moving Special Needs Equipment	-	✓	✓	-	-	-	-	-





# III. Comparison of Mitigation Measures

	HAYWARD (Existing)	PALO ALTO	SUNNY- VALE	SAN JOSE	FREMONT	SONOMA	CAPITOLA	SNT. CRUZ COUNTY
MOBILEHOMES CANNOT BE RELOCATED								
In-Place Value								
Valuation Method								





# III. Comparison of Mitigation Measures

	HAYWARD (Existing)	PALO ALTO	SUNNY- VALE	SAN JOSE	FREMONT	SONOMA	CAPITOLA	SNT. CRUZ COUNTY
<b>MOBILEHOMES CANNOT BE RELOCATED</b>								
<b>In-Place Value</b>	✓	✓	✓	✓	✓	✓	✓	✓
<b>Valuation Method</b>	Fair Market Value	Loss of Invest- ment	100% In-Place Value	-	100% In-Place Value	Fair Market Value	-	Fair Market Value





### III. Comparison of Mitigation Measures

#### Staff recommendation:

- Based upon Council input, that the regulations be amended for greater precision in defining the relocation costs to be considered as part of a proposed change of use.





### IV. Zoning Concerns

#### General Plan Amendment and Zoning Reclassification:

- The City has created a distinct land use designation for “Mobile Home Parks” within its General Plan.
- In addition to the Mobile Home Park land use designation, all nine parks are zoned as a “Mobile Home Park District (MH).”
- The MH District also contains Senior-Only mobile home park regulations.





### IV. Zoning Concerns

#### General Plan Amendment and Zoning Reclassification:

- Any proposal for change of use from a mobile home park to another use would require the approval of:
  - (1) a General Plan Land Use Designation amendment, and
  - (2) a zoning reclassification to a zoning district consistent with the proposed new use.





### IV. Zoning Concerns

#### Review Process for Closure and/or Change of Use:

- A general plan amendment and a zoning reclassification is first reviewed by the Planning Commission.
- The Council then has the opportunity to review the Planning Commission decision.







### IV. Zoning Concerns

#### Staff recommendation:

- That the process for review of an impact report mirror the zoning process, with initial review by the Planning Commission, with a recommendation to the City Council.





# Next Steps

- Based upon City Council input and direction, staff can prepare amendments to the City's Closure and/or Change of Use regulations. The amendments could be presented on May 6, 2014 for introduction.





# Mobile Home Park Closure and Change of Use Regulations

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**Questions, Comments.**

